

### **REMARKS**

Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

With this Amendment, Claims 1, 14, and 57 have been amended; no Claims have been canceled; and, no Claims are new. A detailed listing of all claims that are, or were, in the Application, irrespective of whether the claims remain under examination in the Application, is presented, with appropriately defined status identifiers. Thus, Claims 1-4, 7-16, 19-21, 54-59 remain pending in the Application.

Support for the amendments to Claims 1, 14, and 57 can be found in the disclosure in at least paragraphs [0025] and [0026]. No new matter has been added.

### **Claims rejections under 35 U.S.C. § 103**

The outstanding Official Action has rejected Claims 1-4, 7-12, 19-21, 54, 56, and 57 under 35 U.S.C. § 103 as allegedly being unpatentable over Li (WO 02/031463) in view of DeNuzzio et al. (WO 2004/001404, hereinafter DeNuzzio), Chazalviel et al.,<sup>1</sup> and Yoshida et al. (JP 07-184883, hereinafter Yoshida). The outstanding Official Action has rejected Claim 13 under 35 U.S.C. § 103 as allegedly being unpatentable over Li, in view of DeNuzzio, Chazalviel as applied to Claims 1 and 10, and further in view of Dai et al. (U.S. Patent No. 6,528,020). The outstanding Official Action has rejected Claims 14-16, 55, and 58 under 35 U.S.C. § 103 as allegedly being unpatentable over Li, in view of DeNuzzio, Ito (U.S. Patent No. 5,384,028), and Girault et al. (U.S. Patent No. 5,512,489, hereinafter Girault). The outstanding Official Action has rejected Claim 59 under 35 U.S.C. § 103 as allegedly being unpatentable over Li, in view of DeNuzzio, Ito, and Girault as applied to Claim 14, and further in view of Torch (U.S. Patent No. 6,163,281), and Wohlstadler et al. (U.S. Patent No. 6,090,545, hereinafter Wohlstadler). Applicants respectfully traverse the rejections.

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<sup>1</sup> Chazalviel, J.N. et al., *Modulated Infrared Spectroscopy at the Electrochemical Interface*, Applied Spectroscopy, Vol 47, No. 9, 1993, pp. 1411-1416.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). See also MPEP 2143.03. claims 1 and 14 have been amended to recite, inter alia, “wherein the plurality of addressable cells are configured to function as a memory cell array.” This feature is neither taught nor suggested by any of the applied references.

Li teaches a “column-and-row addressable, high-density, enhanced-sensitivity biochip array.” (Li, Abstract). Ito teaches a “biosensor is provided with a memory for storing data.” (Ito, Abstract). DeNuzzio teaches, “sensors microfabricated with multiple working electrodes and a single, common counter electrode. (DeNuzzio, Abstract). Chazalviel teaches modulated infrared spectroscopy at an electrochemical interface. (Chazalviel, Abstract). Dai teaches “an assembly of novel nanotube devices that can be employed as chemical and biological sensors.” (Dai, Abstract). Ito teaches “a biosensor is provided with a memory for storing data.” (Ito, Abstract). Girault teaches a microelectrode that can be used for assay methods and in an assay unit. (Girault, Abstract). Yoshida teaches an ATR prism attached to an infrared absorption analysis equipment. (Yosahida, Abstract). Torch teaches “A system and method for communication using movement of a person's eye.” (Torch, Abstract). Wohlstadter teaches “patterned multi-array, multi-specific surfaces which are electronically excited for use in electrochemiluminescence based tests.” (Wohlstadter, Abstract). None of these reference teach or suggest “wherein the plurality of addressable cells are configured as a memory cell array.” For example, the result of one of ordinary skill in the art combining Li and Ito would be a biochip array **with** a memory, not a biochip in which the plurality of addressable cells **are configured to function as** a memory cell array. That is, the combination of the prior art would result in a device having two distinct arrays, a biological sensor array and a memory cell array. In the claimed device, the recited biological cell array is configured as (it is) a memory array. Simply, none of the applied references, either singly or in combination, would have rendered obvious to one of ordinary skill in the art at the time of the invention claims 1 and 14 or

any of the claims that depend from these claims. Applicants, therefore respectfully request withdrawal of the rejections.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance. The Director is authorized to charge any fees necessary and/or credit any overpayments to Deposit Account No. 03-3975, referencing Docket No. 043395-0377973.

Respectfully submitted,

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